

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONNIE SCOTT,
Plaintiff,
v.
ERIC GOLDING, et al.,
Defendants.

Case No. [19-cv-06046-HSG](#)

**ORDER DENYING AS MOOT
REQUESTS FOR LEAVE TO FILE
SURREPLY AND REQUEST FOR
EXTENSION OF TIME TO FILE
SURREPLY**

Re: Dkt. Nos. 69, 70, 71

Plaintiff, an inmate at California State Prison – Los Angeles County, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against Pelican Bay State Prison (“PBSP”) doctors Kumar and RN Golding. Defendants have filed two separate summary judgment motions, Dkt. Nos. 61, 62; Plaintiff has filed oppositions, Dkt. Nos. 65, 66; and Defendants have filed replies, Dkt. No. 67, 68. Plaintiff has filed two motions titled requests for leave to file a response to the replies. Dkt. Nos. 69, 70. However, these motions are, in essence, surreplies, making point-by-point rebuttals to arguments made in the replies. Plaintiff has also filed a request for an extension of time to file his surreplies. Dkt. No. 71. For the reason set forth below, Plaintiff’s requests are DENIED.

Rule 7-3(d) of the Local Rules of the Northern District of California provides that “[o]nce a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval” with two exceptions. Additional memoranda may be filed after a reply is filed where (1) new evidence has been submitted in the reply, in which case the surreply is limited to objections to the new evidence without further argument on the motion, or (2) to bring the Court’s attention to a relevant judicial opinion published after the date the opposition or reply was filed, in which case the surreply is limited to a copy of the opinion, without further argument. N.D. Cal. L.


1 R. 7-3(d). Neither exception applies here. Accordingly, the Court DENIES Plaintiff's requests
2 for leave to file a surreply. Dkt. Nos. 69, 70.

3 The Court notes that Plaintiff objects *inter alia* to the argument made in Defendants'
4 replies that Plaintiff's Statements of Disputed Factual Issues should be disregarded because they
5 violate N.D. Cal. L. R. 56-2(a). See Dkt. No. 67 at 1-2; Dkt. No. 68 at 1-2; Dkt. No. 69 at 1-2;
6 Dkt. No. 70 at 1-2. The Court rejects Defendants' argument that Plaintiff's Statements of
7 Disputed Facts cannot be considered pursuant to the Local Rules. The Court will consider the
8 entirety of Plaintiff's oppositions, i.e. Dkt. Nos. 67 and 68, including the exhibits attached thereto
9 and the statements of disputed material facts. Plaintiff's opposition complies with N.D. Cal. L. R.
10 7. In light of the denials of the requests for leave to file surreplies, the Court DENIES as moot
11 Plaintiff's request for an extension of time to file surreplies. Dkt. No. 71.

12 This order terminates Dkt. Nos. 69, 70, 71.

13 **IT IS SO ORDERED.**

14 Dated: 9/7/2021

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16 HAYWOOD S. GILLIAM, JR.
17 United States District Judge
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